

IN THE SUPREME COURT OF THE STATE OF NEVADA

Alfred P. Centofanti, III  
Appellant,  
vs.  
The State of Nevada,  
Respondent.

No. 78193 – COA

DC No.: C172534

FILED

JUL 13 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
By *D. Richards*  
DEPUTY CLERK

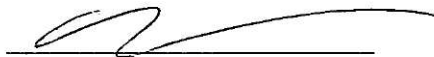
MOTION FOR AN ORDER TO SHOW CAUSE AND OTHER RELIEF

COMES NOW, Appellant, Alfred P. Centofanti, III, in Pro Per and hereby files this Motion for An Order to Show Cause and Other Relief.

This Motion is made and based upon the attached Memorandum of Points and Authorities, as well as any additional facts, witnesses, documents other evidence, and argument, allowed at the hearing of this Motion, if any.

Respectfully submitted,

This 2<sup>nd</sup> day of July, 2020.

  
Alfred Centofanti # 85237  
HDSP / P.O. Box 650  
Indian Springs, Nevada 89070  
Appellant in Pro Per

MEMORANDUM OF POINTS AND AUTHORITIES

I. Relevant Facts, Law and Argument

On June 5, 2020, the appellate court filed an Order of Affirmance in Case No. 78193-COA. Pursuant to the relevant rules of Appellate Procedure Appellant Alfred Centofanti had 18 days to file a Petition for Rehearing or until June 23, 2020.

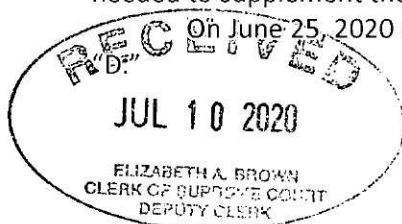
Centofanti received a copy of the June 5, 2020 decision on June 12, 2020.

On June 12, 2020, Centofanti submitted a kite in which he put in a "request for physical appointment. Attached as Exhibit "A". This kite was returned and Centofanti was verbally informed that he needed to make a request to Associate Warden Hubbard Pickett.

On June 15, 2020, Centofanti sent a written request to the Associate Warden. This kite was never provided a response. Exhibit "B."

On June 15, 2020, Centofanti was provided limited materials that were utilized in preparing and mailing for filing (on June 15, 2020) a Petition for Rehearing. Exhibit "C." Centofanti also mailed for filing a request for Leave to Amend the Petition once he had access to the law library and the materials needed to supplement the response.

On June 25, 2020 submitted a second request for materials and for an appointment. Exhibit



20-25742

It is now July 2, 2020, and Centofanti is being denied the ability to have a physical appointment at the law library. This materially prejudices his ability to prepare a proper Petition for Rehearing and Supplement. HDSP operates a Prison Industries which employs over 100 inmates full time (as well as a culinary that employs over 30 inmates per shift) yet cannot figure out how to allow one inmate with a demonstrated need to attend the law library to comply with legal deadlines. Similarly, there is no procedure for inmates, and for Centofanti, to make outgoing legal calls during business hours, and legal mail is often delayed.

All of these restrictions on Centofanti have impacted his 6<sup>th</sup> Amendment Rights to represent himself and also his Equal Protection Rights as other similarly situated inmates (not legal library workers) are allowed to attend.

Centofanti is the appellant in the above-referenced matter proceeding in pro per. Centofanti is an inmate currently housed at HDSP and resides in Unit 7A. Centofanti has done everything in his means to get approval for attendance and comply with applicable deadlines. There is no other option for Centofanti then to ask this Court to consider and Order the Following:

1. Hold those at HDSP who are responsible to ensure that inmates are allowed access to the law library in Contempt and/ or Sanction them in an amount commensurate with their conduct that has denied and continues to deny Centofanti access to the law library or the alternative legal calls to those outside of prison to seek assistance by pphone;
2. Order that Centofanti be allowed to submit the Concurrently filed Supplement and to Stay the Proceedings until such time that he is allowed access and can properly respond to the issues raised in the June 5, 2020 Order of Affirmance both in fact and in law;
3. Allow this Motion to be filed with any deficiencies due to Centofanti not having access to the materials needed; and
4. Whatever other relief the Court deems appropriate under the facts and circumstances.

Respectfully submitted, this 2<sup>nd</sup> day of July 2020.

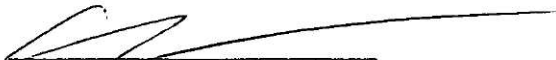


Alfred Centofanti # 85237  
HDSP / P.O. Box 650  
Indian Springs, Nevada 89070  
Appellant in Pro Per

#### CERTIFICATE OF MAILING

Centofanti will serve a copy of this Motion and related Materials on Counsel for Respondent, the Clark County District Attorney's Office, Appellate Division, 2000 Lewis Avenue, Las Vegas, Nevada 89155, as well as the Nevada Attorney General's Office, counsel for the Nevada Department of Corrections and Associate Warden Hubbard-Pickett, at 555 E. Washington Ave, Ste 3900, Las Vegas, Nv 89101 and the Associate Warden at HDSP, 22010 Cold Creek Road, Las Vegas, Nevada 89070, when allowed access to a copier to do so.)

This 2<sup>nd</sup> day of July, 2020.



Alfred Centofanti # 85237  
HDSP / P.O. Box 650  
Indian Springs, Nevada 89070  
Appellant in Pro Per

Exhibit "A"

INMATE LAW LIBRARY REQUEST FORM		
INMATE NAME	DOC#	DATE
Centofanti, A.	85237	6-12-2020

IN ORDER FOR US TO PROPERLY ASSIST YOU, YOU MUST COMPLETE ALL OF THE FOLLOWING AREAS:

PLEASE NOTE: Any information that is missing may result in a rejected request until the required information is provided.

CASE NUMBER: 78193-COA - Centofanti v. The State of Nevada

CASE DESCRIPTION: Criminal Appeal

If you do not have a current case number, you must explain what you will be working on. (Grievances, OIC appeal, etc.)

- ☒ LEGAL COPIES
- ☒ LEXISNEXIS RESEARCH
- ☐ INMATE WORKER ASSISTANCE
- ☐ PICK UP NSF/LEGAL SUPPLIES
- ☐ REVIEW DISCOVERY

REQUEST FOR PHYSICAL APPOINTMENT:

(MUST SPECIFY NEED)

18 day dead line to prepare brief by June 23, 2020

Need to conduct research to draft brief

Didn't receive June 5th legal mail with June 12th

IF YOU ONLY NEED TO PICK UP FORMS, HAVE QUESTIONS ABOUT HOW TO COMPLETE THE FORMS

OR NEED GUIDANCE ON YOUR SPECIFIC SCENARIO, PLEASE ADVISE THE FOLLOWING:

STATE: \_\_\_\_\_ or FEDERAL: \_\_\_\_\_

FORMS REQUESTED/QUESTIONS: Need to research case law cited in decision, Shepardize

find opposing authority + Review NRAP to draft pretrial paper brief + copies

INMATE SIGNATURE: \_\_\_\_\_ DOC #: 85237

NOTE: All forms are date stamped and processed on a first come first serve basis. Any of these that are received in an excess of three per inmate per week will not be logged. Units will have the approved call out list. Inmates MUST have their ID to enter.

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
Ceutorant, A.	85237	7A-21	JUNE 15, 2020

4. ) REQUEST FORM TO: (CHECK BOX) MENTAL HEALTH CANTEEN  
CASEWORKER MEDICAL LAW LIBRARY DENTAL  
EDUCATION VISITING SHIFT COMMAND  
LAUNDRY PROPERTY ROOM X OTHER Aw Husband-Parent

5.) NAME OF INDIVIDUAL TO CONTACT: Associate Warden Hubbard - Pickett

6.) REQUEST (PRINT BELOW) I need immediate 'amend' for a physical amendment of the law library. ON Friday, JUNE 12 2020 I received (3) pieces of legal mail - all from my Research/Response(s). 1) Order of App. in Case No 78143-COA in conflict with 1) 11/15/19 letter from 12/12/19 the 11/15/19 Court of Appeals 1/12/2020 - I have no access to the court records. 2) Notice of Hearing (JUNE 10 2020) in Case No A-17-25337-C - Conflict of Interest (C.I.) I missed the hearing need to file the 11/15/19 letter (from counsel) and wait in Case 2013 J-01030-JAD-PAL. I do not have time to file a motion to compel access to the law library and the phone to make long calls but I do need for a TRO/contempt/sanctions if required.

7.) INMATE SIGNATURE  DOC # 85237

8.) RECEIVING STAFF SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

### 9.) RESPONSE TO INMATE

I welcome the opportunity to answer your question, and this must be the best and the only allowed response, however, because of the nature, your normal response is unaccepted.

10.) RESPONDING STAFF SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

1. Please note your contact. The Nevada AG's office can verify this information as they were  
a source for the photo/depicted way these actions.

DOC - 3012 (REV. 7/11)

Exhibit "C"

STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS  
INMATE ACCOUNT TRANSACTION  
REQUEST

Date: June 15, 2020

**N2 2538451**

To: Inmate services

I hereby authorize my account to be charged in the amount  
of \$.....(.....Dollars).

Please pay to NDOC

Signature Alfred Centofanti

Print name Alfred Centofanti

ID No. 05237 Institution HDSP

Approved by SCC MORENO

Transfer	Purchase Order	Postage x Legal	Other
----------	----------------	-----------------------	-------

Petition of Relinquency to Nevada Supreme Court

White  
Canary  
Pink

Inmate Services  
Institution Copy  
Inmate

DOC 509 (Rev.2/06)

Exhibit "A"

## LAW LIBRARY SUPPLY AND BOOK REQUEST FORM

SUPPLIES REQUESTED	AMT.
LINED PAPER 20 to 50 sheets	
DRAFTING PAPER 8 1/2 x 11	
PENS (ONE PER MONTH)	
LEGAL ENVELOPES 9 X 12	
LEGAL ENVELOPES 10 X 15	
LEGAL ENVELOPES 4 X 9	
CARBON PAPER (issue on exchange only)	
FIRE BOX	

BOOKS REQUESTED
(LIST ISSUE OR THE NAME AND VOLUME NUMBER)
I need the leading case in Nevada on 'Good cause' to overcome procedural default on successive habeas + the most recent decisions (stephens) applying them good + bad + cases using conflict to overcome procedural bar + official response why an physical capt

*Q: Mike*  
*aren't*  
*an?*  
*That*  
*we*  
*from*  
*quickly*  
*See*  
*back ->*

Centofanti, A.      85237      7A-21      8-25-2020  
INMATE NAME (PRINT)      DOC #      HOUSING/UNIT      DATE  
YOU MUST STATE THE COURT AND CASE      Nev. S.D. Ct. Appeal Centofanti v. Nevada  
NUMBER OR WHAT TYPE OF NEW LITIGATION      Dist. Ct. CASE 01-C-178534

DO NOT WRITE BELOW THIS LINE

\_\_\_\_\_  
LAW LIBRARY SUPERVISOR

\_\_\_\_\_  
RECEIVING INMATE

\_\_\_\_\_  
LIBRARIAN/CLERK

\_\_\_\_\_  
DATE RECEIVED

\_\_\_\_\_  
DELIVERING LAW CLERK

### USE OF THIS FORM

#### **Procedure:**

Inmates will complete this form and submit it to the law library supervisor. Incomplete or incorrectly filled out forms WILL NOT be processed. Send form through inter-departmental mail or via the Unit Law Library Mail. Do not give to count officers.

The law library supervisor shall review the request, authorizing those materials which may be issued.

The inmate librarian will fill the request, based on the Supervisor's authorization and will then give the items to the librarian assigned to the inmate unit for delivery to the inmate.

The inmate librarians will make the appropriate entries pertaining to the checkout of books, due dates and the issuing of supplies.

#### **Check In/Check Out**

Each inmate may have up to ten (10) law books (case laws and reference) checked out and in their possession at one time. Each file folder containing WestLaw "pink" pages will be considered one book.

CD ROM Legal materials may be checked out for one consecutive 10 day period and renewed every 10 days.

Hardbound Legal materials may be checked out for one consecutive 10 day period. If the hardbound does not have a wait list, then another 10 day period will be granted. This rule will make it possible for all inmates to use these materials.

All inmates may "Check-in" and "Check-out" legal books and request supplies/copy work Monday through

**RECEIVED**  
JUN 26 2020  
NEVADA STATE PRISON  
LAW LIBRARY



In June 5, 2020 Nev. Appellate Court issues order of Affirmance  
 I had 10 days or until June 23rd to file a Pet-Relieving  
 I filed a habeas Pet + motion for leave to Amend  
 I asked for LL appt - denied  
 I need official (staff signed) refusal to attach to  
 AW OSC...

we were on short for  
 and with the wardo a short for  
 (he doesn't like my attitude now  
 him had to do this less  
 than he will be if you  
 more help. I will  
 love to help! But  
 get well! David says

In the meantime...  
 Order of Affirmance found that adequate determination of good cause  
 answered... on an issue not raised on appeal - how nice of them...  
 Since I had no right to habeas counsel then that counsel's  
 ineffectiveness could not provide good cause  
however,

I had a conflict of interest w/ counsel  
 he represented me at mot. new trial - sentencing - appeal  
 + 1st post conviction

✓ Smith  
 ✓ Rippo  
 ✓ Hathaway  
 ✓ Brown 34,726  
 ✓ Williams 34,750  
 ✓ NRS  
 ✓ Holmes

- 1) 9th CIR cases recognize conflict can overcome procedural bars + constitute 'good cause', does Nevada?
- 2) Does Nev (State) recognize or follow Martinez v. Ryan?
- 3) What is the full name of the appellate court chief Judge Gibbons?  
 Is it Michael? →

**MARK**

I need a sample OSC if one exists (maybe the federal forms)  
 + 5 Blank Blank motions (hello Mitch) <sup>not there</sup>  
 Thanks for all the help or please get me up there  
 AW Husband-Pickett did not respond to my kite aka Ex. "A" OSC!  
 - AF 1st k.k. came to us here; forwarded by her.  
 we will be pressing for your attendance on mon.